

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1333**

**Introduced by Assembly Member Frommer  
(Coauthors: Assembly Members Jerome Horton and Plescia)**

February 22, 2005

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An act to add Section 374.5 to the Penal Code, relating to grease waste haulers.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1333, as amended, Frommer. Grease waste haulers.

Existing law generally regulates haulers of grease.

This bill would make it an offense ~~to incompletely remove grease materials, as specified, from grease traps or interceptors, as specified,~~ or to reinsert or otherwise improperly deposit grease materials at any place other than an authorized facility. The bill would also make it an offense to manage or dispose of grease into a land treatment unit, as defined. The bill would make the offenses punishable by imprisonment in a county jail for not more than 6 months and a fine of ~~\$5,000 to \$10,000~~ for a 1st offense, or ~~\$10,000 to \$50,000~~ *one year imprisonment and a fine of \$25,000* for a 2nd or subsequent offense. A court would be authorized to bar the defendant from engaging in grease hauling for up to 5 years, and could order, as a condition of probation, that the defendant remove or pay the cost of removing grease dumped in violation of these provisions, as specified.

By creating new offenses, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 374.5 is added to the Penal Code, to  
2 read:

3 374.5. (a) ~~It is unlawful for any grease waste hauler to~~  
4 ~~remove grease from a grease trap or grease interceptor unless the~~  
5 ~~hauler, to the extent feasible, completely removes all grease,~~  
6 ~~greasy liquid, mater, and solids from the grease trap or grease~~  
7 ~~interceptor each time of removal.~~

8 ~~(b)~~ It is unlawful for any grease hauler to reinsert into a grease  
9 trap, grease interceptor, manhole, cleanout, or other sanitary  
10 sewer facility or any other place not authorized to receive them,  
11 any materials that the hauler has removed from the grease trap or  
12 grease interceptor, or to deposit, dump, place, release, those  
13 materials, or cause those materials to be discharged or otherwise  
14 deposited at any place other than a facility authorized to receive  
15 the materials.

16 ~~(e)~~

17 (b) For purposes of this section, a “grease waste hauler” is an  
18 individual or business who removes grease and accompanying  
19 materials from a grease trap or a grease interceptor and transports  
20 the materials to another location. For purposes of this section, a  
21 “grease waste hauler” does not include a hauler of grease from  
22 grease traps serving industrial processes that principally contain  
23 petroleum hydrocarbons.

24 ~~(d)~~

25 (c) (1) It is unlawful for any person to manage or dispose of  
26 grease removed from a grease trap or grease interceptor into a  
27 land treatment unit.

28 (2) For purposes of this section, “land treatment unit” or “land  
29 farm” means a facility or part of a facility at which waste is

1 applied onto or incorporated into the soil surface so that  
2 constituents are degraded, transformed, or immobilized with the  
3 treatment zone.

4 ~~(e)~~

5 *(d)* Any person who violates this section shall be guilty of a  
6 misdemeanor punishable by imprisonment in a county jail for not  
7 more than six months ~~and by a fine as follows:~~

8 ~~(1) For a first conviction, not less than five thousand dollars~~  
9 ~~(\$5,000) nor more than ten thousand dollars (\$10,000).~~

10 ~~(2) For a second and subsequent conviction, not less than ten~~  
11 ~~thousand dollars (\$10,000) nor more than fifty thousand dollars~~  
12 ~~(\$50,000).~~

13 ~~(f) or a fine of not more than ten thousand dollars (\$10,000),~~  
14 ~~or both a fine and imprisonment.~~

15 *A second and subsequent conviction, shall be punishable by*  
16 *imprisonment in a county jail for not more than one year, or a*  
17 *fine of not more than twenty-five thousand dollars (\$25,000), or*  
18 *both a fine and imprisonment.*

19 *(e)* Notwithstanding Section 1463, the fines paid pursuant to  
20 this section shall be apportioned as follows:

21 ~~(1) Twenty-five~~ *Fifty* percent shall be deposited in the  
22 Environmental Enforcement and Training Account established  
23 pursuant to Section 14303 of the Penal Code, and used for  
24 purposes of Title 13(commencing with Section 14300) of Part 4  
25 of the Penal Code.

26 ~~(2) Twenty-five percent shall be paid to the office of the~~  
27 ~~prosecuting entity.~~

28 ~~(3) Twenty-five percent shall be distributed pursuant to~~  
29 ~~Section 1463.001.~~

30 ~~(4)~~

31 *(3)* Twenty-five percent to the local health officer or other  
32 local public officer or agency that investigated the matter which  
33 lead to bringing the action.

34 ~~(g)~~

35 *(f)* If the court finds that the violator has engaged in a practice  
36 or pattern of violation, consisting of two or more convictions, the  
37 court may bar the violating individual or business from engaging  
38 in the business of grease hauling for a period not to exceed five  
39 years.

40 ~~(h)~~

1 (g) The court may require, in addition to any fine imposed  
2 upon conviction, that as a condition of probation and in addition  
3 to any other punishment or condition of probation, that a person  
4 convicted under this section remove, or pay the cost of removing,  
5 to the extent they are able, any materials which the convicted  
6 person dumped or caused to be dumped in violation of this  
7 section.

8 SEC. 2. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the  
13 penalty for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition of a  
15 crime within the meaning of Section 6 of Article XIII B of the  
16 California Constitution.